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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,985	10/05/2006	Nathan Arthur Tranter	42-000600US	5992
22798 7590 03/02/2010 QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C. P O BOX 458 ALAMEDA, CA 94501			EXAMINER ING, MATTHEW W	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 03/02/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,985	<b>Applicant(s)</b> TRANTER ET AL.	
	<b>Examiner</b> MATTHEW W. ING	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-22 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 11-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed 1/19/10 have not been entered because Figure 3, as amended, constitute(s) new matter. It is noted that, although the written description and claims 19-20 as originally filed do mention a "motor", the particular configuration of motor in Figure 3, as amended is not necessarily implied by said written description & claims. Alternate configurations are possible; for example, a different type of motor, having a different position and/or configuration. As such, the particular configuration shown in Figure 3, as amended, is considered to constitute new matter.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the remote-controlled motor (claims 19-20) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 11, & 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (1,894,185).

5. Regarding claim 1, Martin teaches a frame (5) having an opening (6) and mounted on or in a surface; a member (8 & 9-11) moveable within the frame and for securing the product; and a pivot assembly (hinge between 8 & 8') connecting the frame to the member, thereby enabling movement of the member between a first position and a second position; such that in the first position the product is concealed from view, and in the second position the product is in view and physically accessible and ready for use by a user.

6. Regarding claim 11, Martin teaches a member (8 & 9-11) comprising a first panel (10) and a second panel (9) connected by one or more side frames (upper portions of 11).

7. Regarding claims 21-22, Martin teaches a member (9-11) clearly capable of holding an appropriately-sized a projector unit, keyboard, telephone or monitor; as well as a frame capable of being mounted on or in a surface (Fig. 1) being a wall or part of a piece of furniture.

8. Claims 1, 11, & 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogel (2,048,363).

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9. Regarding claim 1, Vogel teaches a frame (portion of 2 surrounding 9) having an opening and mounted on or in a surface (remainder of 2); a member (5-6, 9) moveable within the frame and for securing the product; and a pivot assembly (4, 7) connecting the frame to the member, thereby enabling movement of the member between a first position and a second position; such that in the first position the product is concealed from view, and in the second position the product is in view and physically accessible and ready for use by a user.

10. Regarding claim 11, Vogel teaches a member (5-6, 9) comprising a first panel (9) and a second panel (rear portion of 5) connected by one or more side frames (5a).

11. Regarding claims 21-22, Vogel teaches a member (5-6, 9) clearly capable of holding an appropriately-sized a projector unit, keyboard, telephone or monitor; as well as a frame capable of being mounted on or in a surface (Fig. 1) being a wall or part of a piece of furniture.

12. Claims 1, 11-14, & 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf (4,002,382).

13. Regarding claim 1, Wolf teaches a frame (front portion of 37 around 54) having an opening and mounted on or in a surface of said cavity; a member (combination of 54 & 57-59) moveable within the frame and for securing the product; and a pivot assembly (56) connecting the frame to the member, thereby enabling movement of the member between a first position and a second position wherein the pivot assembly is located adjacent an opening to said cavity; such that in the first position the product is concealed from view, and in the second position the product is in view and physically accessible and ready for use by a user.

14. Regarding claim 11, Wolf teaches a member comprising a first panel (54) and a second panel (59) connected by one or more side frames (57-58).

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15. Regarding claim 12, Wolf teaches a first panel (54) coplanar with the frame and substantially covers the opening in the first position (i.e., when 54 is closed).

16. Regarding claim 13, Wolf teaches a second panel (59) coplanar with the frame and substantially covers the opening in the second position (i.e., when 54 is perpendicular to 48).

17. Regarding claim 14, Wolf teaches a portion of the first panel (54) is connected to the frame through the pivot assembly (56).

18. Regarding claims 21-22, Wolf teaches a member (54 & 57-59) clearly capable of holding an appropriately-sized a projector unit, keyboard, telephone or monitor; as well as a frame (front portion of 37 around 54) capable of being mounted on or in a surface being a wall or part of a piece of furniture.

***Claim Rejections - 35 USC § 103***

19. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (4,002,382) as applied to the claim(s) above, further in view of Noellert (5,954,410). Wolf teach(es) the structure substantially as claimed, including a first panel (54), & a pivot assembly (56) secured thereto via connecting means (i.e., between 54 & 56). The only difference between Wolf and the invention as claimed is that Wolf fail(s) to teach a pivot assembly; or a pair of legs extending from the first panel, a distal end of each leg being connected to the frame through the pivot assembly. Noellert, however, teaches a hinge (32); and a pair of legs (34) extending from a first panel (30), a distal end of each leg being connected to a frame (28) through the pivot assembly. It would have been obvious to one of ordinary skill in the art to substitute a hinge and a pair of legs, as taught by Noellert, for the pivot assembly & connecting means of Wolf, since

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the results of substituting one known component for another would have been predictable; thereby providing the structure substantially as claimed.

20. Regarding claim 16, Noellert teaches a pivot assembly (32 exclusive of portions directly attached to 28) comprising a rod (between plates of hinge 32) attached to each of the legs (34 extending from 30) and a bush (upon portion of 32 directly attached to 28) formed in opposing sections of the frame for receiving a respective rod, the frame comprising four sections.

Additionally, Wolf teaches a frame (surrounding 54) comprising four sections, including opposing sections (upper & lower ends of 42).

21. Regarding claim 17, Wolf teaches each side frame (57-58) being shaped to enable the first panel (54) to remain coplanar with and in the frame in the first position and to enable the second panel (59) to remain coplanar with and in the frame in the second position.

22. Regarding claim 18, Wolf teaches each side frame (57-58) comprising four segments joined in a shape, with a segment joined respectively to the first panel and the second panel. Additionally, the examiner takes official notice that the practice of varying the shape of a side frame well known in the art. It would have been an obvious design consideration to one of ordinary skill in the art to modify the side frames of Wolf, by making said frames quadrilateral, depending on the desired needs of the person constructing the frames (e.g., intended use of the frames, aesthetic considerations, compactness, ease of manufacture, etc.), thereby providing the structure substantially as claimed.

23. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel (2,048,363) as applied to the claim(s) above, further in view of Nott (2002/0079792). Vogel teach(es) the structure substantially as claimed, including a pivot assembly (4, 7). The only

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difference between Vogel and the invention as claimed is that Vogel fail(s) to teach a remote controlled motor connected to the pivot assembly in order to control the pivot means assembly to operate the member to move between the first position and the second position. Nott, however, teaches a remote controlled (par. 72) motor (M) connected to a pivot assembly in order to control the pivot means assembly to operate the member to move between the first position and the second position. It would have been obvious to one of ordinary skill in the art to connect a motor, as taught by Nott, to the pivot assembly of Vogel, in order to reduce the amount of effort required for a user to actuate the member thereof, thereby providing the structure substantially as claimed.

### ***Response to Arguments***

24. Applicant's arguments filed 1/19/10 have been fully considered but they are not persuasive.

25. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., presence of a "disguise", "immediately usable...without requiring the product to be physically removed") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

### ***Conclusion***

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell M. Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/23/10

/José V. Chen/

Primary Examiner, Art Unit 3637